

extracted voice signals are added to the expanded sound field music signals.

The Atsushi et al. reference discloses a voice virtual location system which, in response to an operator's voice inputted to a microphone along with position data and state data, locates the operator's voice to a virtual position in a virtual space.

In rejecting a claimed invention under 35 U.S.C. 103(a), the Examiner must first establish a prima facie case of obviousness (MPEP § 2142). To establish a prima facie case of obviousness, three basic criteria must be met: (1) there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings; (2) there must be a reasonable expectation of success; and (3) the prior art reference (or references when combined) must teach or suggest all the claim limitations (MPEP § 2143).

With regard to (1), MPEP § 2143.01 states:

"Obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either explicitly or implicitly in the references themselves or in the knowledge generally available to one of ordinary skill in the art."

MPEP § 2143.01 further adds:

"The mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination."

In addition, MPEP § 2143.01 states:

"A statement that modifications of the prior art to meet the claimed invention would have been "'well within the ordinary skill of the art at the time the claimed invention was made'" because the references relied upon teach that all aspects of the claimed invention were individually known in the art is not sufficient to establish a prima facie case of obviousness without some objective reason to combine the teachings of the references."

Applicants submit that the Examiner has not met criteria (1) to establish a prima facie case of obviousness. In particular, the Examiner states, in commenting on the applicability of Masaharu et al. to the invention as claimed in claim 2, "combination means for combining the modified speech signals and the music signals, and for outputting the combination modified speech and music signals on m output channels, m being an integer". However, in actuality, Masaharu et al. merely discloses devices for separating the voice components of the combined signal (voice signal eliminating circuit 12 and voice extracting circuit 13), processing the voiceless resultant signal, for example, for widening (sound field expanding circuit 15), and then re-inserting the voice components (adding circuit 16) such that the voice components are not subjected to the widening processing. Masaharu et al. neither discloses nor suggests any form of processing of the separated voice components.

Hence, Applicants submit that there is no suggestion or motivation to modify Masaharu et al. to combine therewith the

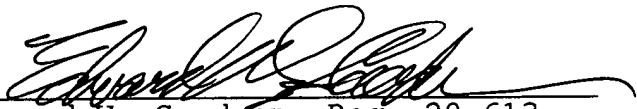
teachings of Atsushi et al. Furthermore, Applicants submit that the only place such a suggestion could have come is the subject invention, which is indicative of impermissible hindsight.

Furthermore, Applicants believe that Atsushi et al. is not art analogous to that of Masaharu et al. In particular, Masaharu et al. relates to a device for reproducing a sound field having a range equal to or wider than that in the conventional practice without impairing the clarity of voice signals. This would be done in the case of music or television in order to enhance the listening experience. Atsushi et al., on the other hand, is concerned with the placement of voice sounds in a virtual field which would be used in, for example, a multiple player virtual reality game simulator. Applicants submit that one skilled in the art would not look to the virtual reality gaming field to further enhance the listening experience as disclosed in Masaharu et al.

In view of the above, Applicants believe that the subject invention, as claimed, is not rendered obvious by the prior art, and as such, is patentable thereover.

Applicants believe that this application, containing claims 2-6, is now in condition for allowance and such action is respectfully requested.

Respectfully submitted,

by 
Edward W. Goodman, Reg. 28,613
Attorney
Tel.: 914-333-9611

CERTIFICATE OF MAILING

It is hereby certified that this correspondence is being deposited with the United States Postal Service as First-class mail in an envelope addressed to:

COMMISSIONER OF PATENTS AND TRADEMARKS
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450

On April 1, 2004
By Burnett James